

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	CHAPTER 13
Linda Aichroth a/k/a Linda M. Stretz a/k/a	:	
Linda Aichroth	:	BANKRUPTCY NO. 14-19244 MDC
Debtor	:	
William Aichroth	:	11 U.S.C. §362 (d)(1)
Codebtor	:	
Seterus, Inc. as the authorized servicer for	:	HEARING DATE: 10/23/2018
Federal National Mortgage Association	:	
("Fannie Mae"), its successors and assigns	:	HEARING TIME: 10:30 a.m.
Movant,	:	
v.	:	COURTROOM #2
Linda Aichroth a/k/a Linda M. Stretz a/k/a	:	
Linda Aichroth and William Aichroth	:	
William C. Miller, Trustee	:	
Respondents	:	

**MOTION OF SETERUS, INC. AS THE AUTHORIZED SUBSERVICER FOR
FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), FOR
RELIEF FROM THE AUTOMATIC STAY UNDER SECTION 362(d)(1) TO PERMIT
MOVANT TO FORECLOSE ON
152B ALLEN DRIVE, WILDWOOD NJ 08260**

The Motion of Seterus, Inc. as the authorized servicer for Federal National Mortgage Association ("Fannie Mae"), Movant herein, respectfully represents:

1. Linda Aichroth a/k/a Linda M. Stretz a/k/a Linda Aichroth, Respondents herein, filed a bankruptcy petition under Chapter 13 of the Bankruptcy Code on November 21, 2014 under Bankruptcy No.14-19244. The Debtor and Codebtor, William Aichroth, who is co-owner and mortgagor of the subject property, have continued in possession of the property, and are now managing it.

2. Movant is a secured creditor by reason of Debtor and Codebtor having executed and delivered a mortgage on premises 152B Allen Drive, Wildwood NJ 08260 ("Subject Premises") to Chase Bank USA, N.A. on November 16, 2007, which mortgage is recorded in the Office of the Recorder of Deeds of Cape May County in BK M4675 Pg954 Inst # 344. A true and correct copy of the mortgage is attached hereto as Exhibit A.

3. The mortgage has since been assigned to Movant herein by written assignment which was recorded in the Office of the Recorder of Deeds of Cape May County on September 7, 2010 in BK A319 Pg529 Instr#295. A true and correct copy of the assignment is attached hereto as Exhibit B.

4. Movant seeks relief for the purpose of foreclosing its mortgage against the Debtor and Codebtor's interest in real property known as **152B Allen Drive, Wildwood NJ 08260**.

5. Movant lacks adequate protection in that the Debtor and Codebtor have failed to make regular timely monthly mortgage payments in accordance with the terms of the Mortgage and Note.

6. As of the date of the filing of bankruptcy on November 21, 2014, Movant was the holder of a secured claim against the Debtor and Codebtor for the sum of \$93,611.62 which represented unpaid pre-petition principal, interest, late charges and penalties, tax/insurance disbursements and unpaid foreclosure fees and costs. On that date, arrears to be paid through the plan were \$679.27. A proof of claim was filed by movant.

7. Debtor and Codebtor have not made regular timely post-petition mortgage payments outside the plan and the account is now due as follows:

DUE FROM	DUE TO	DESCRIPTION	AMOUNT
5/1/2018	9/1/2018	@625.32 P/M	3,126.60
		SUSPENSE BALANCE	(16.83)
		TOTAL DUE	\$ 3,109.77

8. Movant also seeks relief from the Co-Debtor Stay under FRBP 1301(c) as Movant would be irreparably harmed by the continuation of such stay by not allowing Movant to proceed with its foreclosure action and state court rights pursuant to the terms of the subject mortgage.

9. Upon entry of an Order Granting Relief Movant will no longer be required to file and serve the Notice of Payment Change and or Notices of Post-Petition Fees, Expenses and Charges as required by FRBP 3002.1(b) and FRBP 3002.1(c)

10. Movant requests that Rule 4001(a)(3) be waived.

11. Movant requests that the relief granted by this motion survive the conversion of this case to a case under any other Chapter of the Bankruptcy Code

12. Debtor and Codebtor have no reasonable prospect for reorganization.

13. If Movant is not permitted to foreclose its mortgage on said premises, it will suffer irreparable injury, loss and damage.

WHEREFORE, Movant prays that upon final hearing of this Motion, the stay pursuant to 11 U.S.C. Section 362(d)(1) be modified to permit it to foreclose on premises **152B Allen Drive, Wildwood NJ 08260**, that Movant may take such actions with respect to the real property as are set forth under applicable non-bankruptcy law, that upon entry of an Order Granting Relief Movant will no longer be required to file and serve the Notice of Payment Change and or Notices of Post-Petition Fees, Expenses and Charges as required by FRBP 3002.1(b) and FRBP 3002.1(c), that Rule 4001(a)(3) be waived, Movant requests that the relief granted by this motion survive the conversion of this case to a case under any other Chapter of the Bankruptcy Code and that it have such other and further relief as is just.

/s/Heather S. Riloff
Heather S. Riloff, Esquire
Martha E. Von Rosenstiel, P.C.
649 South Avenue, Unit 6
Secane, PA 19018
(610) 328-2887 Ext 13
Heather@mvrlaw.com
Attorney I.D. #309906